

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION**

<b>TAMIKA SMITH,</b>	)	
	)	
<b>PLAINTIFF,</b>	)	<b>CASE NO. 1:23-cv-00038-JRH-BKE</b>
	)	
<b>V.</b>	)	
	)	
<b>PIEDMONT AUGUSTA,</b>	)	
	)	
<b>DEFENDANT.</b>	)	
	)	

**DEFENDANT’S MOTION TO DISMISS PLAINTIFF’S COMPLAINT**

Defendant University Health Services, Inc., d/b/a Piedmont Augusta Hospital<sup>1</sup> (hereafter “Defendant”), pursuant to Rules 8(a), 10(b), and 12(b)(6) of the Federal Rules of Civil Procedure, respectfully moves this Court to dismiss the Complaint of Tamika Smith (“Plaintiff”) (Doc. 1-1). For the reasons more fully discussed in the filed memorandum of law in support, Defendant respectfully requests that this Honorable Court dismiss Plaintiff’s Complaint because she has failed to exhaust her administrative remedies under Title VII and the ADEA; she failed to bring her ADA suit in the time limit allowed; and on its face, her Complaint does not meet the minimum standard pleading requirements.

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<sup>1</sup> Defendant has been improperly named in this action. The proper legal entity is University Health Services, Inc. d/b/a Piedmont Augusta Hospital. Plaintiff was formerly employed by University Health Services, Inc. d/b/a Piedmont Augusta Hospital and/or one of its subsidiaries. For purposes of this Motion to Dismiss, Defendant answers by assuming “Defendant” refers to the proper legal entity and not “Piedmont Augusta.”

This 19th day of April, 2023.

CONSTANGY, BROOKS, SMITH  
& PROPHETE, LLP

/s/ W. Jonathan Martin II

W. JONATHAN MARTIN II

Georgia Bar No. 474590

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Attorneys for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that on this date, I electronically filed the foregoing **DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT** using the CM/ECF filing system and served a true copy of the foregoing via U.S. Mail to the following:

Tamika Smith  
214 Missy Lane  
Aiken, SC 29801

This 19th day of April, 2023.

CONSTANGY, BROOKS, SMITH  
& PROPHETE, LLP

/s/ W. Jonathan Martin II  
W. JONATHAN MARTIN II  
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